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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,309	08/26/2003	Makoto Hidaka	241514US3	2602
22850	7590	07/27/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/647,309

Applicant(s)

HIDAKA ET AL.

Examiner

Thomas A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 10, 13, 14, 16-18, 21 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 9, 11, 12, 15, 19, 20, 22-25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/12/2004, etc.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Species I (i.e., Figure 12) in the reply filed on April 28, 2005 is acknowledged. The traversal is on the ground(s) that it would not be an undue burden to examine each of the noted inventions and claims together. This is not found persuasive because the instant application includes nine (9) patentably distinct species that have substantially different operating parameters with each patentably distinct species requiring a search for the specific operating parameters related to that species. As such, examining all of the nine (9) different patentably distinct species would place an undue burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4, 8-9, 11-12, 15, 19-20, 22-25 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the independent claims 1, 4, 15, 24 and 25 and their dependent claims, the recited sequences of intervals and drive amounts of the control device/control means are confusing. For example, it is unclear how the recited control device/control means can **first** calculate slip **based on information from the detection**

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**by the second detecting device**, and **then** set a second drive amount of a drive device/drive means during a second interval that **starts when the second detecting device detects the sheet**. In other words, it is unclear how the recited timing of the slip calculation and the timing of the second interval can occur. Accordingly, further clarification of the control device/control means operation is needed for each of the independent claims 1, 4, 15, 24 and 25.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 and 24, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,419,547 (Jeong). In particular, the Jeong patent discloses all of the limitations of claims 1, 3 and 24.

Regarding claim 1, the abstract and Fig. 1 disclose a sheet feeding apparatus (Fig. 1), including

a sheet feeding device (7) configured to pick up sheets (1) from stacked sheets and to feed the sheets one by one;

a drive device (i.e., whatever structure drives roller 7) configured to drive the sheet feeding device (see, e.g., column 2, lines 46-50);

a first detecting device (6) configured to detect a sheet (1) fed by the sheet feeding device (7) to a first detection position (near 8) located downstream of the sheet

feeding device (7) in a sheet feeding direction (right to left in Fig. 1). More specifically, Fig. 1 shows a first detecting device (6) that detects a sheet (1), which is fed downstream to a position by the sheet-feeding device (7) as set forth in claim 1. As such, the claimed limitation is met.

Also, Fig. 1 shows a second detecting device (8) configured to detect the sheet (1) fed by the sheet feeding device (7) to a second detection position (near 10) located downstream of the first detecting device (6) in the sheet feeding direction. Again, Fig. 1 shows a second detecting device (8) that detects a sheet (1), which is fed downstream to a second position by the sheet-feeding device (7) as set forth in claim 1. As such, the claimed limitation is met.

In addition, there is a control device configured to control sheet feeding while setting a drive amount of the drive device, wherein the control device calculates a first drive amount of the drive device during a first interval (between 6 and 8) from when the first detecting device (6) detects the sheet (1) to when the second detecting device (8) detects the sheet (1) based on information detected by the first and second detecting devices (6 and 8, respectively), and wherein the control device determines if the sheet (1) slips in the first interval based on the calculated first drive amount of the drive device, and sets a second drive amount of the drive device during a second interval (between 8 and 10) from when the second detecting device (8) detects the sheet (1) to when the drive device is stopped based on the calculated first drive amount. More specifically, the abstract of the Jeong patent discloses a method for controlling transmission paper feed. As such, inherently the disclosed facsimile device has a

controller. See also, column 2, line 42 to column 3, line 52 for the operation of the controller of the device shown in Fig. 1.

Regarding claim 3, column 2, line 50 to column 3, line 52 explains that each of the first and second drive amounts of the drive device involves a number of counts, which can be considered to be a rotation number.

Regarding claim 24, the abstract and Fig. 1 disclose a sheet feeding apparatus (Fig. 1), including

sheet feeding means (7) for picking up sheets (1) from stacked sheets and for feeding the sheets one by one;

drive means (i.e., whatever structure drives roller 7) for driving the sheet feeding means (see, e.g., column 2, lines 46-50);

first detecting means (6) for detecting a sheet (1) fed by the sheet feeding means (7) to a first detection position (near 8) located downstream of the sheet feeding means (7) in a sheet feeding direction (right to left in Fig. 1);

second detecting means (8) for detecting the sheet (1) fed by the sheet feeding means (7) to a second detection position (near 10) located downstream of the first detecting means (6) in the sheet feeding direction; and

control means for controlling sheet feeding while setting a drive amount of the drive means, wherein the control means calculates a first drive amount of the drive means during a first interval (between 6 and 8) from when the first detecting means (6)

detects the sheet (1) to when the second detecting means (8) detects the sheet (1) based on information detected by the first and second detecting means (6 and 8, respectively), and wherein the control means determines if the sheet (1) slips in the first interval based on the calculated first drive amount of the drive means, and sets a second drive amount of the drive means during a second interval (between 8 and 10) from when the second detecting means (8) detects the sheet (1) to when the drive means is stopped based on the calculated first drive amount. More specifically, the abstract of the Jeong patent discloses a method for controlling transmission paper feed. As such, inherently the disclosed facsimile device has control means. See also, column 2, line 42 to column 3, line 52 for the operation of the control means of the device shown in Fig. 1.

### ***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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